

ASSEMBLY BILL

No. 1513

Introduced by Assembly Member Evans

February 27, 2009

An act to amend Sections 5093.34, 5093.35, and 5093.39 of the Public Resources Code, relating to state lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 1513, as introduced, Evans. State lands: wilderness areas.

The California Wilderness Act establishes a California wilderness preservation system composed of state-owned areas designated by the Legislature as wilderness areas and units of the state park system classified as state wildernesses by the State Park and Recreation Commission. The act requires the Secretary of the Natural Resources Agency to review specified state-owned roadless areas under his or her jurisdiction as of January 1, 1975, and to report to the Legislature his or her recommendations as to the suitability or nonsuitability of each area for preservation as state wilderness. The act also requires the State Lands Commission to review specified state-owned roadless areas under its jurisdiction and to report to the Legislature its recommendations as to the suitability or nonsuitability of those areas for preservation as wilderness areas.

Under the act, the presence of privately owned areas within or contiguous to state-owned areas does not preclude the review of those state-owned areas for suitability or nonsuitability for preservation as state wilderness.

The act requires the secretary to report to the Governor and Legislature, on or before December 1, 1975, and each year thereafter, on the status of the California wilderness preservation system, including

a list and descriptions of the wilderness areas within the system, guidelines and regulations in effect, and recommendations for additions to the system.

This bill would instead require the secretary to review state-owned roadless areas under his or her jurisdiction as of January 1, 2010, and would require that the State Lands Commission review specified state-owned roadless surface areas under its jurisdiction that it holds as trustee of the School Land Bank Fund as of January 1, 2010, and report to the Legislature its recommendations as to the suitability or nonsuitability of those areas for preservation as wilderness areas. The bill would require the secretary and the State Lands Commission to prioritize reviews and reports as to the suitability or nonsuitability of specified areas for preservation as wilderness. The bill would include additional conditions that would not preclude the review of state-owned areas for suitability or nonsuitability for preservation as state wilderness. The bill would also authorize the State Lands Commission to enter into agreements with federal land management agencies to implement these provisions. The bill would exempt state park lands classified as wilderness by the State Park and Recreation Commission at public hearings, as prescribed, from specified public and governmental notice and hearing requirements of the act.

This bill would require that the report, due on or before December 1, 2010, from the secretary to the Governor and Legislature regarding the status of the California wilderness preservation system, include, in consultation with the State Lands Commission and the Department of Fish and Game, a schedule for the required review as to suitability or nonsuitability for preservation as state wilderness of identified state-owned roadless areas.

This bill would delete obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 California Wilderness Act of 2009.
- 3 SEC. 2. The Legislature hereby finds and declares all of the
- 4 following:
- 5 (a) The State of California manages thousands of acres of land
- 6 throughout the state.

(b) State lands are held and managed by the Department of Parks and Recreation, the State Lands Commission, the Department of Fish and Game, and other state agencies.

(c) Some state-owned lands that have been affected primarily by the forces of nature provide outstanding opportunities for solitude or primitive and unconfined types of recreation and contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

(d) The California Wilderness Act requires the Secretary of the Natural Resources Agency and the State Lands Commission to review certain state-owned areas and report to the Legislature their recommendations as to the suitability of each of those areas for preservation as state wilderness.

(e) State agencies currently manage thousands of acres of potentially suitable land that has not been reviewed for wilderness suitability.

SEC. 3. Section 5093.34 of the Public Resources Code is amended to read:

5093.34. (a) The following areas are hereby designated as components of the system:

(1) Santa Rosa Mountains State Wilderness, consisting of that portion of Anza-Borrego Desert State Park in San Diego County within the area encompassed by Townships 9 and 10 South and Ranges 4, 5, 6, 7, and 8 East, San Bernardino Base and Meridian, except that the State Park and Recreation Commission shall establish the precise boundary.

(2) Mount San Jacinto State Wilderness in Mount San Jacinto State Park in Riverside County consisting of approximately 9,800 acres and including all of Sections 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, and 31, Township 4 South, Range 3 East, and all of Section 6, Township 5 South, Range 3 East, except the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, San Bernardino Base and Meridian.

(3) The land in the Sinkyone Wilderness State Park after the exchanges of land provided for in Section 6 of the act amending this section at the 1979–80 Regular Session of the Legislature, effective upon approval of a general plan for the area by the State Park and Recreation Commission, as required by Section 5002.45.

(b) The following state school lands, currently under the jurisdiction of the State Lands Commission, shall become

1 components of the system on January 1, 1977, unless exchanged
2 with the federal government for other lands pursuant to existing
3 law prior to that date:

4 (1) Approximately 640 acres in Monterey County within the
5 Ventana Wilderness, consisting of Section 16, Township 19 South,
6 Range 2 East, Mount Diablo Base and Meridian.

7 (2) Approximately 40 acres in Monterey County within the
8 Ventana Wilderness, consisting of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36,
9 Township 19 South, Range 3 East, Mount Diablo Base and
10 Meridian.

11 (3) Approximately 80 acres in Monterey County within the
12 Ventana Wilderness, consisting of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW
13 $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 19 South, Range 2 East, Mount
14 Diablo Base and Meridian.

15 (4) Approximately 40 acres in Santa Barbara County within the
16 San Rafael Wilderness, consisting of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section
17 16, Township 7 North, Range 27 West, San Bernardino Base and
18 Meridian.

19 (5) Approximately 80 acres in Siskiyou County within the
20 Marble Mountain Wilderness, consisting of the E $\frac{1}{2}$ and the NW
21 $\frac{1}{4}$ of Section 16, Township 41 North, Range 12 West, Mount
22 Diablo Base and Meridian.

23 (6) Approximately 640 acres in Tehama County within the Yolla
24 Bolla Middle Eel Wilderness, consisting of Section 36, Township
25 27 North, Range 10 West, Mount Diablo Base and Meridian.

26 Nothing herein shall preclude the State Lands Commission from
27 effecting exchanges of any such land described in subdivision (b)
28 with the federal government on or after January 1, 1977, for the
29 purpose of including the exchanged land in the national wilderness
30 preservation system. Upon completion of any such exchange, any
31 such land described in subdivision (b) shall no longer be part of
32 the system.

33 SEC. 4. Section 5093.35 of the Public Resources Code is
34 amended to read:

35 5093.35. (a) The secretary, in cooperation with each
36 department within the *Natural* Resources Agency, shall review
37 state-owned roadless areas under his or her jurisdiction as of
38 January 1, ~~1975~~, 2010, including, but not limited to, lands within
39 the state park system, state forests, ~~and~~ fish and game refuges,
40 reserves, sanctuaries, and other areas designated for the protection

1 of wildlife, but not including tide and submerged lands lying below
2 the mean high tide line, and shall report to the Legislature his or
3 her recommendations as to the suitability or nonsuitability of each
4 area for preservation as state wilderness.

5 (b) The State Lands Commission shall review state-owned
6 roadless *surface* areas under its jurisdiction that *it holds as trustee*
7 *of the School Land Bank Fund pursuant to Section 8711 as of*
8 *January 1, 2010*, have been identified as possessing significant
9 environmental values pursuant to Section 6370.2, and shall report
10 to the Legislature its recommendations as to the suitability or
11 nonsuitability of each area for preservation as wilderness.

12 (c) *The secretary and the State Lands Commission shall*
13 *prioritize reviews and reports as to the suitability or nonsuitability*
14 *for preservation as wilderness for the following areas:*

15 (1) *Henry W. Coe State Park.*

16 (2) *Armstrong Redwoods State Natural Reserve.*

17 (3) *Austin Creek State Recreation Area.*

18 (4) *Robert Louis Stevenson State Park.*

19 (5) *Knoxville Wildlife Area.*

20 (6) *Cedar Roughs Wildlife Area.*

21 (7) *Lands under the jurisdiction of the Department of Fish and*
22 *Game that are within or adjacent to the following federal*
23 *wilderness areas:*

24 (A) *Cache Creek Wilderness.*

25 (B) *South Fork Eel Wilderness.*

26 (C) *Sanhedrin Wilderness.*

27 (8) *Lands under the jurisdiction of the State Lands Commission*
28 *that are within or adjacent to the following federal wilderness and*
29 *state park lands:*

30 (A) *Yolla Bolly-Middle Eel Wilderness.*

31 (B) *Cache Creek Wilderness.*

32 (C) *Yuki Wilderness.*

33 (D) *Robert Louis Stevenson State Park.*

34 (e)

35 (d) Additional reviews and reports as to suitability or
36 nonsuitability for preservation as wilderness shall be made by the
37 secretary and the State Lands Commission ~~for the following areas~~
38 *as follows:*

39 (1) State-owned roadless areas ~~under their respective~~
40 ~~jurisdictions and~~ within or contiguous to federal wilderness areas

1 designated by the Congress after January 1, ~~1975~~, 2010, within
2 one year after the designation.

3 (2) State-owned roadless areas ~~under their respective~~
4 ~~jurisdictions~~ that are acquired after January 1, ~~1975~~, 2010, within
5 three years of the acquisition.

6 (3) *The secretary's reviews and reports under paragraphs (1)*
7 *and (2) shall consider the state-owned roadless areas under its*
8 *jurisdiction. The State Lands Commission's reviews and reports*
9 *under paragraphs (1) and (2) shall consider the state-owned*
10 *roadless surface areas under its jurisdiction that it holds as a*
11 *trustee of the School Land Bank Fund pursuant to Section 8711.*

12 ~~(d)~~
13 (e) (1) The secretary and the State Lands Commission, prior
14 to submitting *their respective* recommendations ~~with respect to~~
15 *regarding* the suitability of an area for preservation as a wilderness
16 area, shall:

17 ~~(1)~~
18 (A) Give public notice of ~~the their respective~~ proposed ~~action~~
19 *actions* as deemed appropriate, including publication in one or
20 more newspapers of general circulation in each county within
21 which the affected area is located, and mailed to every person who
22 has filed a request for notice of hearing. If the notice of hearing is
23 published in a weekly newspaper, it must appear therein on at least
24 two different days of publication, and, if in a newspaper published
25 more often, there must be at least five days from the first to the
26 last day of publication, both days included. The content of the
27 notice of hearing shall substantially comply with the requirements
28 of Section 11346.5 of the Government Code.

29 ~~(2)~~
30 (B) Hold a public hearing or hearings *for their respective*
31 *proposed actions*, in the City of San Diego, City of Los Angeles,
32 City and County of San Francisco, or City of Sacramento,
33 whichever is closest to the area affected, not less than 30 days, nor
34 more than 60 days, after the last date of publication of the notice.
35 The hearing shall be conducted in the manner specified in Section
36 11346.8 of the Government Code.

37 ~~(3)~~
38 (C) Advise, at least 30 days before the date of a ~~hearing~~, *hearing*
39 *for their respective proposed actions*, the board of supervisors of
40 each county where the lands are located, and federal, state, and

1 local agencies concerned, and invite those officials and agencies
2 to submit their views on the proposed action at the hearing or
3 within a specified period thereafter.

4 *(2) The secretary and the State Lands Commission shall*
5 *cooperate, when appropriate, when complying with the*
6 *requirements of this subdivision.*

7 ~~(e)~~

8 ~~(f) A view submitted under the provisions of subdivision (d)~~
9 ~~subdivision (e) with respect to an area shall be included with~~
10 ~~recommendations to the Legislature with respect to that area.~~

11 ~~(f)~~

12 *(g) A modification or adjustment of boundaries of a wilderness*
13 *area designated by the Legislature shall be recommended to the*
14 *Legislature by the secretary or the State Lands Commission after*
15 *public notice of the proposal and public hearing or hearings as*
16 *provided in subdivision (d) (e).*

17 ~~(g)~~

18 *(h) Nothing contained in this section shall be construed to lessen*
19 *the present statutory authority of a state agency with respect to the*
20 *maintenance of roadless areas.*

21 ~~(h) Privately owned areas within or contiguous to state-owned~~
22 ~~areas~~

23 *(i) The following conditions shall not preclude the review of*
24 *the state-owned areas as provided in this section. section:*

25 *(1) The presence of privately owned areas within or contiguous*
26 *to state-owned lands.*

27 *(2) Sights and sounds from activities occurring outside of the*
28 *state-owned lands.*

29 *(3) The existence of nonnative plants or animals.*

30 *(4) Ongoing or planned wildlife and vegetation management*
31 *activities that make use of motorized equipment.*

32 *(5) Evidence of past human use.*

33 *(j) The State Lands Commission may enter into agreements with*
34 *federal land management agencies to implement this section.*

35 *(k) State park lands classified as wilderness by the State Park*
36 *and Recreation Commission at public hearings pursuant to Section*
37 *5002.3 are not subject to the requirements of subdivision (e).*

38 SEC. 5. Section 5093.39 of the Public Resources Code is
39 amended to read:

1 5093.39. (a) The secretary shall, ~~no later than December 1,~~
2 ~~1975, and~~ on or before December 1st 1 of each year thereafter,
3 ~~year,~~ report to the Governor and to the Legislature on the status
4 of the system, including a list and descriptions of the wilderness
5 areas within the system, guidelines and regulations in effect, and
6 recommendations for additions to the system.
7 (b) *In the report due on or before December 1, 2010, the*
8 *secretary, in consultation with the State Lands Commission and*
9 *the Department of Fish and Game, shall include a schedule for*
10 *the review, pursuant to subdivisions (a) and (b) of Section 5093.35,*
11 *of state-owned roadless areas identified in subdivision (c) of*
12 *Section 5093.35.*